

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DANIEL FASSETT, et al.,

Plaintiffs.

v.

SEARS HOLDINGS CORPORATION,  
et al.,

Defendants.

No. 4:15-CV-00941

(Judge Brann)

**ORDER**

**JULY 20, 2018**

In accordance with the accompanying Memorandum Opinion, **IT IS  
HEREBY ORDERED** that:

1. The Motion for Summary Judgment filed by Kenmore Craftsman Diehard Intellectual Property, ECF No. 135, is **GRANTED**. Upon resolution of remaining claims in this case, the Clerk of Court is directed to enter judgment in favor of this defendant on all counts of Plaintiff's Complaint, ECF No. 1.
2. The Motion for Summary Judgment filed by Bemis Manufacturing Company, ECF No. 137, is **DENIED**.

3. The Motion for Summary Judgment filed by Briggs & Stratton Corporation, ECF No. 139, is **GRANTED IN PART** and **DENIED IN PART** as follows:
  - a. The motion is **GRANTED** on Count III of Plaintiff's Complaint, to the extent that count is based on breach of an express warranty; but
  - b. The motion is otherwise **DENIED**.
4. The Motion to Exclude filed by Briggs & Stratton Corporation, ECF No. 143, is **DENIED**.
5. The Motion for Leave to File Results of Supplemental Testing, ECF No. 178, is **DENIED AS MOOT**.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

United States District Judge